

REMARKS

The Office Action of April 7, 2005 presents the examination of claims 17-46. Claims 24-30 are indicated as allowed. The present application amends claims 17-23, 31 and 38-46. Claims 17-46 remain pending.

Support for amendments

The amendments to claims 18-23 and 38-45 are merely editorial, providing a preamble consistent with the subject matter of the independent claims from which these claims depend.

The amendment to claim 17 is also merely editorial, but serves to clarify that the subject matter of claim 17 indeed comprises a support material in addition to one or more additives.

The amendment to claims 31 and 46 recites that a signal from the one or more diagnostic additives comprising the composition or applied to its surface is obtained. These amendments are supported by the specification at, e.g. page 6, lines 31 to page 7, line 3.

Rejections under 35 U.S.C. § 112, second paragraph

Claims 17-21, 23 and 31-46 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for reasons give at page 2 of the Office Action. In particular, the Examiner asserts that:

- 1) claim 17 is indefinite as to whether a support material is being claimed, or only an additive;
- 2) there is a lack of antecedent basis for “the image” in claim 31; and
- 3) there is no result step commensurate with the preamble (“producing a diagnostic image”) in claim 46.

Applicants disagree that the original language of claim 17 was unclear. However, to advance prosecution, claim 17, and claims dependent thereon, are amended to recite that a composition comprising a support material and one or more additives is claimed. This clarifies that the invention lies in the combination of at least two materials.

As to 2) and 3), Applicants submit that the amendments to the claims solve the problems of antecedent basis explained by the Examiner.

The Examiner indicates that claims 17-23 and 31-46 would be allowable if amended to address the concerns 1) – 3) above. Such has been accomplished. Accordingly, the favorable action of allowance of the pending claims and passage of the application to issue is respectfully requested.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Mark J. Nuell (Reg. No. 36,623) at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

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Respectfully submitted,

By mark j. nuell
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